

Yuichi YAMAGAMI et al., S.N. 09/704,434
Page 7

Dkt. No. 2271/62705

REMARKS

The application has been reviewed in light of the Office Action dated March 15, 2006. Claims 1-17 were pending, with claims 14-16 having been withdrawn by the Patent Office from consideration. By this Amendment, claims 13-16 have been canceled, without prejudice or disclaimer, new independent claim 18 has been added, claims 17 has been amended to correct a typographical error therein, and claims 1 and 6 have been amended to clarify the claimed invention thereof, without narrowing a scope of the claimed invention. Accordingly, claims 1-12, 17 and 18 are now pending, with claims 1, 6 and 18 being in independent form.

Claims 1-13 and 17 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite.

By this Amendment, claims 13-16 have been canceled, without prejudice or disclaimer, new claim 18 has been added, and claims 1 and 6 have been amended to clarify the claimed invention thereof, without narrowing a scope of the claimed invention.

Withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, is respectfully requested.

Claims 1-6, 8-13 and 17 were rejected under 35 U.S.C. § 102(e) as purportedly anticipated by U.S. Application Publication No. 2002/0019759 A1 (Arunapuram et al.). Claim 7 was rejected under 35 U.S.C. § 103(a) as purportedly obvious over Arunapuram et al.

Applicant has carefully considered the Examiner's comments and the cited art, and respectfully submits that independent claims 1, 6 and 18 are patentable over the cited art, for at least the following reasons.

As an initial matter, the present application was filed November 2, 2000, and Arunapuram (U.S. Application Publication No. 2002/0019759 A1) is a publication of U.S. application Serial

Yuichi YAMAGAMI et al., S.N. 09/704,434
Page 8

Dkt. No. 2271/62705

No. 09/882,257, filed June 18, 2001. Arunapuram also claims the benefit of U.S. provisional application no. 60/212,124, filed June 16, 2000.

However, it is noted that U.S. provisional application no. 60/212,124, filed June 16, 2000 is not written as a patent application (for example, including sections as prescribed in MPEP 601, like Arunapuram application Serial No. 09/882,257, filed June 18, 2001), but instead consists of a compilation of independent documents. Applicant submits that there is no continuity of disclosure as between U.S. provisional application no. 60/212,124, filed June 16, 2000 and U.S. nonprovisional application Serial No. 09/882,257, filed June 18, 2001, since U.S. provisional application no. 60/212,124, filed June 16, 2000 does not provide proper support for the claimed subject matter of Arunapuram, and therefore the effective reference date of Arunapuram is June 18, 2001 which is after the November 2, 2000 filing date of the present application. Accordingly, Arunapuram is not prior art as against the claimed invention of the present application. Further, Applicant submits that U.S. provisional application no. 60/212,124, filed June 16, 2000 does not disclose or suggest the claimed invention of the present application.

This application relates to managing shipping charges by a supplier, for example, unbilled shipping costs, including determining a difference between, on one hand, an amount billed to the supplier by a shipper for shipping items from one country (for example, Japan) to another country (for example, the U.S.) and, on the other hand, an amount billed by the supplier to a customer. Such a difference can exist because, for example, the seller does not wish to charge the customer for shipping in an amount that exceeds shipping costs from a location in the U.S. In addition, the supplier in many instances must inform a customer of the charge for shipping an item to the customer, before the amount charged to the supplier by the shipper is known. Therefore, the shipping charge to the customer may be determined by the supplier by referring to one or more

Yuichi YAMAGAMI et al., S.N. 09/704,434
Page 9

Dkt. No. 2271/62705

virtual supplier locations in the U.S. (i.e. where the customer is located), and the cost to the supplier of shipping an order to a customer typically is not the same as the shipping charge billed to the customer.

The methodologies of this application allow the supplier to utilize the computed difference (between the amount billed to the supplier by the shipper and the amount billed by the supplier to the customer) to manage and track charges and costs to the supplier, such as for internal management, assessment, cost accounting, allocation, planning or other purposes. For example, the seller may, for example, propagate the unbilled costs to future pricing of goods and/or add tack-on charges to future shipping charges to customers in the future.

Arunapuram, as understood by Applicant, proposes a software which processes order information, carrier information and constraint information to plan a solution for shipping each order to the customer. The software considers the various transportation routes that are available and selects the best route for the order. The route may be a multi-leg route (MLR), that is, the route includes multiple segments. Arunapuram proposes that in order to save on costs, two orders that share a leg can be bundled together for that leg (for example, a truckload from Los Angeles to Phoenix), and the software attempts to fill each leg such that an order may take a route that is not the most direct route. Arunapuram in paragraphs [0127] through [0154] proposes a weighting approach to allocate the costs of a leg to the multiple orders hauled for that leg.

Applicant does not find teaching or suggestion in Arunapuram, however, of (a) computing a second shipping charge related to applicable charges for shipment of the individual package from a virtual location to the customer, (b) computing a difference between a first shipping charge related to an actual charge by a shipping entity and the second shipping charge, and (c) utilizing the computed difference for internal management of shipping costs, cost accounting,

Yuichi YAMAGAMI et al., S.N. 09/704,434
Page 10

Dkt. No. 2271/62705

allocation of costs and/or product planning, as provided by the claimed invention of each of independent claims 1 and 6.

The Office Action contends that the cross dock or the port in the U.S. is a virtual location.

However, Arunapuram neither disclose or suggests (a) computing a second shipping charge related to applicable charges for shipment of the individual package from the cross dock or the port in the U.S. to the customer, and (b) computing a difference between a first shipping charge related to an actual charge by a shipping entity and the second shipping charge.


Accordingly, for at least the above-stated reasons, Applicant respectfully submits that independent claims 1, 6, and 18 and the claims depending therefrom, are patentable over the cited art.

In view of the claim amendments and remarks hereinabove, Applicant submits that the application is now in condition for allowance, and earnestly solicits allowance of the application.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition. The Patent Office is hereby authorized to charge any fees that may be required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Respectfully submitted,



Paul Teng, Reg. No. 40,837
Attorney for Applicant
Cooper & Dunham LLP
Tel.: (212) 278-0400